

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference MDSWO030295P		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/002585	International filing date (day/month/year) 02.03.2004	Priority date (day/month/year) 23.05.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p>
2.	<p>With regard to the elements of the international application, this report is based on (<i>replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report</i>):</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages <u>1-19</u> _____ as originally filed/furnished</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>7-10</u> _____ as originally filed/furnished</p> <p>nos.* <u>1, 4-6, 11</u> _____ as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/3-3/3</u> _____ as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input checked="" type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input checked="" type="checkbox"/> the claims, nos. <u>2, 3, 12, 13</u> _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (<i>specify</i>): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (<i>specify</i>): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1, 4-11	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1, 4-11	NO
Industrial applicability (IA)	Claims	1, 4-11	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Claims 1 and 4-11			
Document 1:	JP 2003-59130 A (Sony Corp.), 28 February 2003, [Mode for carrying out the invention], (Family: none)		
Document 2:	JP 2003-59105 A (Sony Corp.), 28 February 2003, [Mode for carrying out the invention], (Family: none)		
Document 3:	JP 2002-230840 A (Korea Institute of Science and Technology), 16 August 2002, entire text; all drawings (Family: none)		
Document 4:	JP 11-144320 A (Ricoh Co., Ltd.), 28 May 1999, entire text; all drawings (Family: none)		
Document 5:	JP 5-2769 A (NEC Corp.), 8 January 1993, entire text; all drawings (Family: none)		
Document 6:	JP 4-356742 A (NEC Corp.), 10 December 1992, entire text; all drawings, (Family: none)		
Document 7:	JP 61-131250 A (Hitachi, ltd.), 18 June 1986, entire document (Family: none)		
Document 8:	JP 3-1338 A (Asahi Chemical Industry Co., Ltd.), 8 January 1991, entire document (Family: none)		

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

Documents 1 and 2 disclose configurations of a conventional optical information recording medium (see, in particular, the thickness and composition of the film).

Documents 3-8 all disclose an optical information recording medium in which an Al alloy containing Ni is used in the reflective layer and it would be obvious to a person skilled in the art to apply the reflective layer disclosed in documents 3-8 as the reflective layer of the optical information recording medium disclosed in documents 1 and 2.

Moreover, document 3 mentions improving the quality of the surface of the reflective layer through the inclusion of Ni, document 7 makes reference to the amount of Ni added and the surface quality of the reflective layer and the bit error ratio and document 8 mentions the the amount of Ni added and the stability of the reflective layer. Therefore, it would be obvious to a person skilled in the art to investigate the most suitable and preferable amount of Ni to add from these disclosures.